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AUG 17 2006

UNITED STATES COURT OF APPEALS

DISTRICT OF HAWAII

FOR THE NINTH CIRCUIT

FILED

AUG 15 2006

WAYNE BERRY, a Hawaii citizen,

Plaintiff - Appellant,

v.

HAWAIIAN EXPRESS SERVICE, INC.,
a California corporation; et al.,

Defendants - Appellees.

No. 06-16199

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

D.C. No. CV-03-00385-SOM

District of Hawaii,
Honolulu

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

AUG 17 2006

ORDER

at 1 o'clock and 20 min. P.M.
SUE BEITIA, CLERK

Appellants' motion to dismiss with prejudice appellees Foodland Supermarket, Ltd., Alix Partners, LLC., Hawaiian Express Service, Inc., Jeffrey P. Graham, Peter Schaul, Jessie Gonzales, Luiz Rodrigues, Al Perez, Patrick Hirayama and Hawaii Transfer Co, Ltd. from No. 06-16199 under Federal Rule of Appellate Procedure 42(b) is granted.

The court is in receipt of joinder of H.E.S. Transportation Services, Inc., California Pacific Consolidators, Inc., Jeffrey P. Graham, Peter Schaul and Patrick Hirayama. Within 14 days after the date of this order, appellant shall move for dismissal of the appeal as to those appellees or show cause why dismissal is unwarranted.

No. 06-16199

The court is in receipt of appellee Hawaii Transfer Company, Limited's response to the above-mentioned appellants' motion to dismiss.

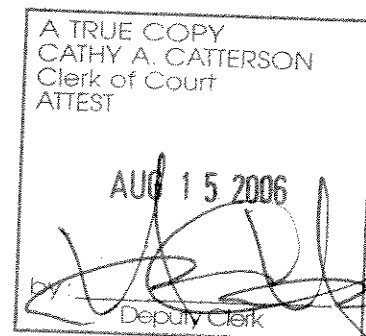
A certified copy of this order shall act as and for the mandate of this court as to the above-named parties only.

For the Court:
CATHY A. CATTERSON
Clerk of the Court

Alihandra M. Totor
Alihandra M. Totor
Deputy Clerk

Ninth Cir. R. 27-7/Advisory Note to Rule 27
and Ninth Circuit Rule 27-10

pro 08.07.06



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06-16199 Berry v. Hawaiian Express, et al

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Defendant - Appellee

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Defendant - Appellee

No appearance
No appearance

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Defendant - Appellee

No appearance
(See above)

AL PEREZ, California cictizen

No appearance

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Defendant - Appellee (See above)

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a Vermont Corporation
Defendant - Appellee

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Defendant - Appellee

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